

**Notice of Allowability****Application No.**

10/565,452

**Applicant(s)**

LANG ET AL.

**Examiner**

DOUGLAS M. WILLIS

**Art Unit**

1624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02-05-10.
2. ☒ The allowed claim(s) is/are 1,3,5,12,20,21,23,29,34-37 and 54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 01-20-06, 02-27-09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 02-23-10
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/DOUGLAS M WILLIS/  
Examiner, Art Unit 1624

/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624

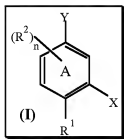
## DETAILED ACTION

### *Status of the Claims / Priority*

Claims 1, 3, 5, 12, 20, 21, 23, 29, 34-37 and 54 are pending in the current application. According to the *Amendments to the Claims*, filed February 5, 2010, claims 1, 3 and 5 were amended and claims 2, 4, 6-11, 13-19, 22, 24-28, 30-33, 38-53 and 55-61 were cancelled. This application is a 35 U.S.C. § 371 National Stage Filing of International Application No. PCT/US2004/023726, filed July 23, 2004, which claims priority under 35 U.S.C. § 119(e) to US Provisional Application No. 60/490,096, filed July 25, 2003.

### *Status of Restrictions / Election of Species*

Applicant's affirmation of the following election, without traverse, in the reply filed on



March 5, 2009, is acknowledged: Group II - claims 1, 3, 5, 12, 20, 21, 23, 29, 34-37 and 54, where Y = -L-R<sup>3</sup>, wherein L = -C(=O)NH- or -NH(C=O)-; and X = -phenyl-, -pyridinyl or -pyrimidinyl; and b) substituted benzene of formula (I) - p. 33, example 1.

The requirement was made FINAL in the *Final Rejection*, mailed on April 14, 2009.

The sections of U.S.C. Title 35 that formed the basis of prior rejections formulated, as well as any references supporting said rejections, that are not included with this Office action, may be found in either the *Non-Final Rejection*, mailed on December 5, 2008, the *Final Rejection*, mailed on April 14, 2009, the *Non-Final Rejection*, mailed on July 29, 2009, or the *Final Rejection*, mailed on December 18, 2009. Furthermore, any rejections or objections of record not explicitly addressed herein below, are hereby withdrawn, in light of applicant's

arguments and/or the *Amendments to the Claims*, filed February 5, 2010.

Thus, a fifth Office action and prosecution on the merits of claims 1, 3, 5, 12, 20, 21, 23, 29, 34-37 and 54 is contained within.

#### ***Reasons for Allowance***

Claims 1, 3, 5, 12, 20, 21, 23, 29, 34-37 and 54 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art is silent with respect to substituted benzenes of the formula (I), as recited in claim 1.

Consequently, the limitation on the core of the substituted benzenes of the formula (I) that is not taught or fairly suggested in the prior art is  $R^I$  on the periphery of the benzene core. This limitation is present in the recited species of claim 37.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled *Comments on Statement of Reasons for Allowance*.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following is a statement of examiner's amendment to the record: claim 1 is amended

to correct the spelling of *alkoxyarylalkyl*, which should be *alkoxyaralkyl*.

In claim 1, the text of the fifth line from the bottom of page 1 of the claim:

R<sup>10</sup> is alkyl, alkoxyarylalkyl, aryl, or -(CH<sub>2</sub>)<sub>c</sub>-D-(CH<sub>2</sub>)<sub>e</sub>-R<sup>13</sup>;

has been deleted and replaced with the following:

---"R<sup>10</sup> is alkyl, alkoxyaralkyl, aryl, or -(CH<sub>2</sub>)<sub>c</sub>-D-(CH<sub>2</sub>)<sub>e</sub>-R<sup>13</sup>,"---

Authorization for this examiner's amendment was given in a telephone interview with Ms. Sophie Binet Cross (Reg. No. 59,494) on February 23, 2010.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS M. WILLIS, whose telephone number is 571-270-5757. The examiner can normally be reached on Monday thru Thursday from 8:00-6:00 EST. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson, can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOUGLAS M WILLIS/  
Examiner, Art Unit 1624

**/James O. Wilson/  
Supervisory Patent examiner, AU 1624**